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SECTION 4. EQUAL EMPLOYMENT OPPORTUNITY/UPWARD MOBILITY

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U.S. DEPARTMENT OF JUSTICE POLICY

It is the policy of the U.S. Department of Justice to prohibit discrimination in employment because of race, color, religion, sex, national origin, age, or physical or mental handicap, and to provide equal employment opportunity in each organizational element of the Department. Management at all levels will take positive action to eliminate any internal policy, practice or procedure which denies equality of opportunity to any group or individual on the basis of race, color, religion, sex, [including sexual harassment,] national origin, age, or physical or mental handicap, and will assure that questions and complaints of discrimination are promptly and thoroughly investigated, and resolved without reprisal or threat of reprisal to the employee or applicant.

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

The EEOC has Presidential authority to supervise and provide leadership and guidance in the conduct of Equal Employment Opportunity (EEO) programs for the civilian employee of, and applicants for, employment within the executive departments and agencies, and to review agency EEO program accomplishments periodically. The Commission has broad authority for inspecting agency programs and application thereof. Equal employment opportunity has been long-standing Bureau policy.

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REGULATIONS

Departmental Order 1713.4 contains the Department's revised equal employment opportunity regulations for implementing this program in the entire Department of Justice. Departmental Order 1713.5 contains information on the Volunteer Representatives program for EEO complainants. Copies of both these orders must be maintained permanently on an appropriate bulletin board or on whatever bulletin boards in each division and field office that are necessary to ensure each employee will have ample opportunity to observe and review these orders. The Department's regulations beginning on page 15 outline procedures for processing and resolving complaints.

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EEO COMPLAINTS

An employee or applicant for employment in the Department who feels discriminated against because of race, color, religion, sex, including sexual harassment, national origin, age, physical or mental handicap [or reprisal] must bring the matter to the attention of an EEO Counselor for the office or division in which the question arose prior to filing a discrimination complaint. The concept here is that most questions or grievances will be such that they can be resolved informally without the employee or applicant resorting to a formal complaint. The EEO Counselor must be contacted within 30 calendar days after the action in question has taken place, although continuing problems may be discussed at any time. Failure to contact an EEO Counselor within 30 calendar days of an alleged discriminatory action will result in forfeiture of a complainant's right to pursue a claim of discrimination.

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[[4-4.1 EEO Complaints on the Basis of Handicap in FBI Federally Conducted Programs and Activities

(1) Complaints of discrimination can now be filed on the basis of handicap against any of the federally conducted programs or activities of the FBI (i.e., FBI training programs, as well as FBI office space, tour facilities and the Training Academy facilities) which are available to individuals receiving such services. These complaints of discrimination will be processed in accordance with the procedures set forth in Title 28, Code of Federal Regulations, Part 39.170. As indicated in this regulation, there are major distinctions in the processing of these complaints compared with employment complaints filed by handicapped employees or applicants. The Office of EEO Affairs at FBIHQ, extension 4128, should be contacted promptly if such a complaint is received.

(2) In addition, this regulation under Part 39.111 requires agencies to provide notice to apprise employees, applicants, participants, beneficiaries, and other persons of the rights and protections afforded them under this regulation. The poster captioned, "Discrimination on the Basis of Handicap in the Federally Conducted Programs and Activities of the Federal Bureau of Investigation is Prohibited," must be retained permanently on prominent bulletin boards available to the public and employees.]

4-5 EEO OFFICIAL

The Director of Equal Employment Opportunity for the Department of Justice is Assistant Attorney General for Administration, Department of Justice, Washington, D.C. The Equal Employment Opportunity Officer for the FBI is SA Melvin L. Jeter. The Deputy Equal Employment Opportunity Officer is Ms. Arlene D. Highfield. Ms. Barbara Dean Finch is the Manager of the Black Affairs and Upward Mobility Programs. Ms. Gloria M. Lalka is the Manager of the Hispanic Employment, Selective Placement (handicapped), American Indian and Asian American Programs. Ms. Barbara B. Browning is the Manager of the Federal Women's Program. These individuals are assigned to the FBI's Equal Employment Opportunity Affairs Office as a staff function and are directly under the Assistant Director of the Administrative Services Division. Implementation of a positive equal employment opportunity program and application of the regulations are the responsibility of division heads, SACs, and their managerial staffs.

4-5.1 EEO Counselors

It is the responsibility of each SAC and Assistant Director to ensure there are an adequate number of EEO Counselors available so that employees with problems will have ready access to an EEO Counselor. Employees selected as EEO Counselors should receive necessary Basic EEO Counseling training as soon as possible through courses offered by the Office of Personnel Management on a regional level. A minimum of two employees who are not members of the field office's or division's supervisory staff are to be designated by each SAC and Assistant Director to function as Equal Employment

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Opportunity Counselors. The designated employees' identities are to be appropriately publicized in field offices and FBIHQ divisions by including their names and extensions on the poster captioned "Federal Policy is Equal Opportunity" which should be maintained on key bulletin boards. In addition, in cases involving class action complaints, the FBI's EEO Officer, SA Melvin L. Jeter, has been designated as the Bureau's Class Action Counselor.

4-5.1.1 Role of EEO Counselor

The counselor's role is to establish convincingly an open and direct channel through which employees may raise questions, discuss grievances, get answers, and on an informal basis, get resolutions of problems connected with equal employment opportunity. The counselor is responsible for trying to clear up problems which are brought up by employees by discussing the employee's problems with the employee and with the employee's supervisors or associates, if necessary; by advising employee of the merits of the matter and by finding solutions to problems where it is possible to do so. The Equal Employment Opportunity Counselor must exercise good judgment, be objective and fair, be able to secure the confidence of employees who are to be counseled, and be able to work and communicate effectively. Equal Employment Opportunity Counselors must carefully comply with their role as outlined in the Department's regulations.

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4-5.1.2 Report of Counseling (JMD-379)

The EEO Report of Counseling, JMD-379, should be executed by the counselor only when an employee or applicant makes an allegation or raises a question or grievance which requires some resolution and is based on race, color, religion, sex, including sexual harassment, national origin, age, [[physical or mental handicap or reprisal.] In other words, it is probable applicants or employees will raise questions or ask for clarifications that can be readily responded to, do not take the form of allegations, and, therefore, would not require execution of the Report of Counseling. The Report of Counseling is the initial document in the precomplaint phase and is also used by the Bureau in reporting monthly to the Department concerning instances of precomplaint counseling throughout the Bureau. (See page 29 of the Department's regulations.) In processing a situation in which the Report of Counseling is to be executed, the counselor should develop the facts as would be done in any other type grievance or personnel matter requiring Bureau consideration and approval. If the employee or applicant does not give permission to use his or her name, anonymity must be safeguarded and identity may not be divulged by the counselor to anyone. Where anonymity is desired, point out to the individual that it may be difficult to develop full facts although as much as possible should be developed by counselor while still safeguarding anonymity.

4-6 POSITIVE EEO PROGRAM

The Bureau's positive EEO program is aimed primarily at circulating opportunities in the FBI for members of minority groups and women, attracting those interested in qualifying, and at fully utilizing the abilities of all employees.

4-6.1 Plan of Action

Field office responsibility in minority group recruitment is specifically set forth in the Bureau's EEO Plan of Action. Copies of this Plan of Action should be maintained on key bulletin boards.

4-6.1.1 Minority and Female Recruiting

Suggested means of attracting members of minority groups and women are: contacts with high schools, business and specialty schools, colleges and law schools, women's colleges and organizations; contacts with civic, professional, business, and religious leaders; contacts with minority groups such as Urban League; contacts with military separation centers and other logical military bases including the transition officers at such centers and bases; contacts with graduating seniors who are also receiving commissions in the military as a result of ROTC programs at colleges having a predominance of minority students, suggesting career potential as SA in FBI following separation and that while in military they may be inclined to separate if they were assured of a good job; contact with law enforcement agencies; contact with local offices of pertinent Federal and state employment opportunity programs for the underprivileged; contact with state employment services; mention in the press, particularly appropriate women's, minority, and foreign language newspapers, i.e., Spanish, including publicity on

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achievements or career information on our individual women and minority employees; treatment during radio and television broadcasts, particularly over minority-oriented stations, including participation by women and minority employees; explanation of the program and opportunities by Special Agents incidental to their many and varied contacts while on investigative assignments; treatment during speeches before groups which include a representative number of women and minority group members; utilization of informal contacts, such as with friends, neighbors, etc., and treatment during tours of field offices. These suggestions are by no means all-inclusive but are to be supplemented consistent with individual field office effort. SACs and FBIHQ division heads must ensure that handling of all applicants is proper, and that coverage of sources of applicants is complete. The positive EEO program implemented by each field office must be under the personal direction of the SAC who must ensure that the office applies a positive and forward-looking approach toward recruitment in this area.

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EMPLOYEES' AWARENESS OF EEO PROGRAM

SACs and FBIHQ division heads must ensure that all employees are familiar with the EEO policy and the responsibility of employees under the Department's regulations, and that all supervisors are fully knowledgeable on this subject and particularly as to their responsibilities. This should be brought to the attention of supervisors at the time they are designated as such. Supervisors must make certain all employees thoroughly understand pertinent parts of the program and are aware of where details on the program can be located. It is imperative that all employees fully understand that allegations of discrimination must be brought to the attention of an EEO Counselor within 30 calendar days of the action in question, and that failure to contact an EEO Counselor within the required 30 calendar days will result in forfeiture of the complainant's right to pursue a claim of discrimination.

4-7.1

Conferences

The policy pertaining to EEO must be made a subject of discussion at annual conferences of Agent and support personnel in the field and at [FBIHQ and should be appropriately documented.] Such discussions should describe in general terms the discrimination complaint process and in particular the fact that all allegations of discrimination must be brought to the attention of an EEO Counselor within 30 calendar days of the action in question, and that failure to contact an EEO Counselor within the required 30 calendar days will result in forfeiture of the complainant's right to pursue a claim of discrimination. It must be emphasized during such lectures that all personnel actions in the Bureau are based on merit and fitness and that there is no discrimination as to race, color, religion, sex, including sexual harassment, national origin, age, or physical or mental handicap or reprisal in this regard. Employees should be urged to consult their EEO Counselor at any time should they have any question on this matter.

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UPWARD MOBILITY PLAN

Consistent with Departmental Order 1411.2 and instructions previously issued by the Civil Service Commission (Federal Personnel Manual Letter 713-27 dated June 28, 1974), the FBI developed an upward mobility plan. This plan lists certain target positions to which lower level employees (grade GS-8 and below or any equivalent Wage Board employee) can aspire to enable them to realize their full work potential. The plan is designed to serve as a basic reference to ensure a continuing results-oriented program of upward mobility within the FBI. Copies of the plan should be maintained on key bulletin boards in each division and field office so that every employee will have ample opportunity to observe and review same. In addition, information concerning upward mobility should be discussed at annual conference of support personnel. It must be emphasized during such lectures that upward mobility must conform with merit principles and equal opportunity requirements, and employees should be urged to consult their upward mobility counselor should they have any questions on this matter.

4-8.1

Role of Upward Mobility Counselor

Instructions regarding the selection of upward mobility counselors are listed under Career and Educational Counseling in the FBI's Upward Mobility Plan. The counselor's role is an essential element in our upward mobility plan because the counselor attempts to match the employee's interests, skills and potential to our organizational needs by bringing together people and job opportunities. Such career counseling is designed to provide information and advice on ways employees can use their skills, acquire more job satisfaction, and choose the education and/or training necessary to advance. Counselors should be able to deal effectively with persons of differing backgrounds and should have an understanding of merit principles, performance evaluation procedures, Bureau promotional policy and other information necessary to assist employees so these employees will not have their hopes raised unrealistically with promises which cannot be realized. To ensure counselors are well versed in personnel procedures, they should review FBI's promotion policy, and they also should thoroughly familiarize themselves with the target positions listed in the FBI's Upward Mobility Plan. Counselors should furnish pertinent information to FBIHQ on a quarterly basis regarding the employees who seek them out for individualized counseling on upward mobility. This information should include the employee's name, entry-on-duty date, current position, series number and grade, and what upward mobility target positions, if any, the employee was advised he or she could aspire to in the future. Such information should be forwarded to the Bureau's overall Upward Mobility Coordinator, Miss Barbara E. Dean, who is assigned to the Office of Equal Employment Opportunity Affairs, Administrative Services Division.